

REMARKS

Claims 1-15, 18, 20, and newly added claims 21-23 are in the application and are presented for examination and reconsideration. Claims 16, 17 and 19 have been cancelled. Claims 1, 9 and 20 have been amended. New claims 21-23 have been added.

Support for the amendment to claim 1 is found at page 6, line 13, of the specification as filed.

Support for the amendment to claims 9 and 20 is found at page 7, lines 19-20, and 24-25, of the specification as filed.

Support for newly added claims 21-23 is found at page 6, lines 13-18, of the specification as filed.

No new matter has been introduced.

DRAWINGS

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84 (p) (4).

In particular, in Figures 4 and 5, reference character "24" has been used to designate both the third fin pair and the fourth fin pair.

Furthermore, in Figure 4, reference character "22" is pointing out a groove, rather than the outer surface (as in Figure 1).

Accordingly, a corrected drawing showing Figures 4 and 5, in compliance with 37 CFR 1.121 (d) is enclosed herewith.

It will be noted that the fourth fin pair is now correctly designated as 24''', and reference character "22" shows the line extended to distinctly point to the outer surface.

Accordingly, the Applicants respectfully request the Examiner to withdraw the objections to the drawings.

SPECIFICATION

The Examiner has objected to the specification at the following places:

- (a) Page 7, lines 10-13;

- (b) Abstract of the Disclosure;
- (c) Page 1, line 30;
- (d) Page 2, line 10;
- (e) Page 2, lines 20-21;
- (f) Page 2, lines 23-24;
- (g) Page 6, line 32-page 7, line 1;
- (h) Page 7, lines 13-14;
- (i) Page 7, lines 29-31; and
- (j) Claim 9

Applicants have hereby amended each of the above matters, as required by the Examiner. Accordingly, Applicants respectfully request the Examiner to withdraw all of the objections to the specification.

#### CLAIM REJECTIONS – 35 U.S.C. 112

The Examiner has rejected claims 9, 17, and 20, under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner has raised questions about the viability of the manner in which the body fluids are said to flow. Accordingly, for clarification purposes, Applicants have amended claims 9 and 20 (claim 17 having been cancelled) to specify that the flow of body fluids is directed by the grooves away from the handle. This feature is described at page 3, lines 10-11, and page 7, lines 10-11, and lines 24-25. This removes any unclarity, and Applicants contend that the claims, as now amended, conform with the requirements of 35 U.S.C. 112, first paragraph. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 9 and 20, under 35 U.S.C. 112, first paragraph.

#### CLAIM REJECTIONS – 35 U.S.C. 102 (b)

Claims 1-4, 6, 7, 9, and 11-14, as originally filed were rejected, under 35 U.S.C. 102 (b), as being anticipated by U.S. Design Patent No. 264,246 to Ekbladh et al. The originally filed

claims have been amended to further require the presence of at least one finger notch, whereby Applicants traverse this rejection.

The present amended claims 1-4, 6, 7, 9, and 11-14, are not anticipated by U.S. Design Patent No. 264,246. There is no disclosure of a finger notch in U.S. Design Patent No. 264,246.

Accordingly, Applicants contend that the presently amended claims 1-4, 6, 7, 9, and 11-14, are patentable over U.S. Design Patent No. 264,246.

Claims 1, 5, and 8 have been rejected, under 35 U.S.C. 102 (b), as being anticipated by U.S. Patent No. 6,210,371 to Shaw. Applicants respectfully traverse this rejection for the following reasons.

Claims 1, 5, and 8 have been hereby amended to require that the claimed surgical instrument have at least one finger notch. This feature is not disclosed in the Shaw patent. Therefore, since all of the claimed elements are not found in a single reference, namely Shaw, the Shaw reference is not an anticipatory reference.

Accordingly, Applicants contend that presently amended claims 1, 5, and 8 are not anticipated by Shaw.

Claims 1 and 18 have been rejected, under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,779,654 to Foley et al. Applicants respectfully traverse this rejection for the following reasons. Claims 1 and 18 have been hereby amended to require that the claimed surgical instrument have at least one finger notch. This feature is not disclosed in the Foley et al. patent. Therefore, since all of the claimed elements are not found in a single reference, the Foley et al. reference is not an anticipatory reference.

Accordingly, Applicants contend that presently amended claims 1 and 18 are not anticipated by Foley et al.

#### CLAIM REJECTIONS – 35 U.S.C. 103 (a)

Claims 5 and 8 have been rejected, under 35 U.S.C. 103 (a), as being unpatentable over Ekbladh et al. Applicants respectfully traverse this rejection for the following reasons.

Claims 5 and 8 have been hereby amended to require that the claimed surgical instrument have at least one finger notch.

This feature is not disclosed or suggested by the disclosure of the Ekbladh et al patent.

Therefore, Applicants contend that presently amended claims 5 and 8 are not unpatentable over Ekbladh et al., under 35 U.S.C. 103 (a), and respectfully request that the Examiner withdraw this rejection of claims 5 and 8.

Claim 10 has been rejected, under 35 U.S.C. 103 (a), as being unpatentable over Ekbladh et al. Applicants respectfully traverse this rejection for the following reasons.

Claim 10 has been hereby amended to require that the claimed surgical instrument have at least one finger notch.

This feature is not disclosed or suggested by the teachings of Ekbladh et al.

Therefore, Applicants contend that presently amended claim 10 is not unpatentable over Ekbladh et al, under 35 U.S.C. 103 (a), and respectfully request that the Examiner withdraw this rejection of claim 10.

Claims 15-17 have been rejected, under 35 U.S.C. 103 (a) as being unpatentable over Ekbladh et al. in view of U.S. Patent No. 6,029,549 to Baker. Applicants have hereby cancelled claims 16 and 17, and thus the present rejection applies to claim 15 only. Applicants respectfully traverse the rejection for the following reasons.

Claim 15 has been hereby amended to require that the claimed surgical instrument have at least one finger notch.

This feature is not disclosed or suggested by the teachings of Ekbladh et al. or Baker.

Therefore, Applicants contend that presently amended claim 15 is not unpatentable over Ekbladh et al. in view of Baker, under 35 U.S.C. 103 (a), and respectfully request that the Examiner withdraw the rejection of claim 15.

The Examiner has rejected claim 19, under 35 U.S.C. 103 (a). However, Applicant has hereby cancelled claim 19, and the rejection is moot.

Claim 20 has been rejected, under 35 U.S.C. 103 (a), as being unpatentable over Ekbladh et al. in view of Shaw and Baker. Applicants respectfully traverse this rejection for the following reasons.

Claim 20 has been hereby amended to require that the claimed medical suction apparatus have at least one finger notch.

This feature is not disclosed or suggested by the teachings of Ekbladh et al., Shaw, or Baker.

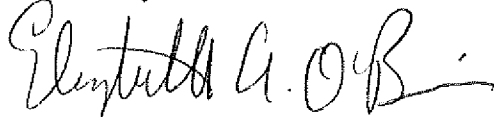
Therefore, Applicants contend that presently amended claim 20 is not unpatentable over Ekbladh et al. in view of Shaw and Baker, under 35 U.S.C. 103 (a), and respectfully request the Examiner withdraw this rejection of claim 20.

#### CONCLUSION

Applicants contend that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-15, 18, and 20. Applicants submit that claims 1-15, 18, and 20 are patentable, and also that newly added claims 21-23 are patentable, and respectfully request the Examiner to pass the application to issue.

Applicant petitions for any extension necessary to maintain the pendency of this application, and the Applicant further authorizes the Commissioner of Patents to charge Deposit Account Number 190254 for any late fees or charges necessary to avoid abandonment of this application.

Respectfully submitted,



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Enclosure: Corrected Drawing